DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed 8/5/10. Claims 24-29 have been canceled. Claims 30-35 are pending.

2. The previously pending rejection to claims 24 and 35, under 35 USC § 112, second paragraph, has been withdrawn as moot.

Information Disclosure Statement

3. The information disclosure statement filed 7/9/10 includes an article by Yanobu titled Points of Introduction of Notes Learning from the Case Examples. However, this article fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been lined-through and has not been considered.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403), in view of Selling by Objective (May 1984).

As per claim 30, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and arbitrarily selecting any one or more from said four axes

simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum, meets and exceeds data, figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (¶ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, ¶¶ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately,

and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 31, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said

actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and arbitrarily selecting any one or more from said four axes simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum, meets and exceeds data, figure 1), and managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step, and displaying them on the local or remote terminal (i.e., each measure is tracked, wherein the current is compared to minimum, meets and exceeds, so executives can quickly track the issues, column 6, lines 47-50 and figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (¶ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related

axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, ¶¶ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 32, Cardwell et al disclose the step of managing a sales achievement further comprises; changing a display style of said initial target and/or said actual performance based on said comparison and displaying them on the local and/or remote terminal (i.e., financial performance results, including current, minimum, meets, and exceeds, Example A and figure 1).

As per claim 33, neither Cardwell et al nor SBO explicitly disclose said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and managing progress by displaying the said actual performance based on the said progress code and/or any one of said four axes on the local and/or remote terminal. However, this terminology is old and well known in project management, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include expressing progress status, including at least 'on the

schedule', 'behind the schedule' and 'completed' in Cardwell et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claims 34 and 35, Cardwell et al disclose altering said initial target based on said actual performance and/or business trend (i.e., executive can view the organizational chart and decide to change one of the business priorities, column 12, lines 33-41).

Response to Arguments

6. In the Remarks, Applicant argues that 1) neither Cardwell nor SBO teach or suggest a multi-dimensional matrix, 2) neither Cardwell nor SBO teach or suggest four inter-related axes that communicate horizontally and vertically with each of the other four axes, and 3) neither Cardwell nor SBO teach arbitrarily and simultaneously selected axes.

With respect to Argument 1, the Examiner respectfully disagrees. Cardwell et al disclose determination of the business purpose and strategy for the organization, including multiple critical measures axes (column 5, lines 19-23 and figure 1). Moreover, Cardwell et al disclose providing multiple layers of an organization, including creation of a data table with multiple objectives and goals (column 2, lines 20-25), wherein a plurality of informational databases may be created with open

access to and between the plurality of databases (column 2, lines 37-45). In addition, Cardwell et al disclose allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization (column 11, lines 62-67). As such, Cardwell et al indeed disclose a multi-dimensional matrix.

With respect to Argument 2, the Examiner respectfully disagrees. First, the Examiner notes that as seen in Appellant's specification (¶¶ 0079-0086), the axes are merely selected, manipulated, and displayed from a database. Similarly, Cardwell et al disclose allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization (column 11, lines 62-67). In addition, figures 1-3 include selection of an account, i.e., Market Share in Garfield County, including inter alia, a table of business priorities, critical measures, deliverables, and business priorities.

With respect to Argument 3, the Examiner respectfully disagrees. First, Cardwell et al disclose the determination of the scope at upper management and critical measures determined based upon executives' determination of the business priorities (column 6, lines 26-42). Moreover, Cardwell et al disclose the critical

performance measures are a list of targets that need to be achieved, including subcategories, wherein each measure and submeasure is tracked (column 6, lines 42-51). In addition, figures 1-3 include selection of an account, i.e., Market Share in Garfield County, including inter alia, a table of business priorities, critical measures, deliverables, and business priorities. As such, Cardwell et al indeed disclose arbitrarily selecting any one or more from said four axes simultaneously.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRE BOYCE whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
October 17, 2011